

U.S. Patent Application Serial No. **10/578,777**
Amendment filed December 17, 2008
Reply to OA dated September 22, 2008

REMARKS

Claims 1-13 are pending in this application. Claim 13 is canceled without prejudice or disclaimer, and claims 1-12 are amended herein. Upon entry of this amendment, claims 1-12 will be pending. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is detailed below.

Claims 1-6 and 9-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ezawa et al. (U.S. Patent No. 4,966,805) in view of Komiya et al. (U.S. Patent No. 4,704,445).
(Office action paragraph no. 2)

Claims 7-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ezawa et al. (U.S. Patent No. 4,966,805) in view of Komiya et al. (U.S. Patent No. 4,704,445) and further in view of Eckes et al. (U.S. Patent No. 4,812,492). (Office action paragraph no. 3)

The rejection of claim 13 is moot in view of the cancellation of claim 13 without prejudice or disclaimer. Reconsideration of the rejections of claims 1-12 is respectfully requested in view of the amendments to the claims.

Claim 1 has been amended to recite “A PET bottle having a shrink label” and the dependent claims have been amended accordingly. Support for this amendment may be found, for example, in original claim 13. The claims, as amended, therefore require a PET bottle as well as the recited shrink label with adhesive coating film (A).

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(1) Applicant submits that Ezawa et al., Komiya et al. and Eckes et al. cannot be combined to produce the invention of base claim 1.

Ezawa discloses a heat-shrinkable polystyrene-base foamed composite sheet, which can be heat-shrunk around a vessel. Column 2, lines 45-48, read: "When the composite sheet of the present invention is fabricated to form a cylinder, a vessel is inserted in the cylinder, and heat is applied to cause shrinkage of the composite sheet"

The composite sheet of Ezawa is cylindrically placed outside a vessel and adhered closely to the vessel by heating (column 3, lines 18-20). In Ezawa, the polystyrene-base foamed sheet surface of the composite sheet is brought into contact with the vessel (column 7, lines 5-11).

Therefore, there is no suggestion or motivation in Ezawa for **any** adhesive composition between the vessel and the shrink label. However, claim 1 requires that "the shrink label has an adhesive coating film layer of a coating agent (A) on the side contacting the PET bottle."

Applicant notes in this regard that the Examiner cites Ezawa et al. as having an adhesive coating film at column 5, lines 30-35. However, this adhesive in Ezawa is applied "to the interface of the above heat-shrinkable polystyrene-base foamed sheet and the heat-shrinkable polystyrene-base film." That is, in Ezawa, the polyurethane-base adhesive layer of the composite sheet is used for adhering the polystyrene-base foamed sheet to the polystyrene-base film, and is **not** used for adhering the shrink label to a vessel. In Ezawa, there is **no adhesive between the shrink label and**

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a vessel. The structure in Ezawa, being based on a polystyrene-base foamed sheet, polyurethane-base adhesive layer, and a polyurethane-base adhesive layer, is quite different from that of claim 1.

Accordingly, there is no suggestion or motivation in Ezawa for providing the adhesive of Komiya between Ezawa's vessel and shrink label. Eckes is cited only for a polyurethane pigment comprising titanium dioxide, and there is no suggest or motivation in any of the references for an adhesive between Ezawa's vessel and shrink label.

(2) In addition to the above arguments, in the present invention, advantageous effects of excellent removability, blocking resistance, and PET bottle deformation prevention can be obtained by setting the peel strength, after keeping the adhesive coating film surface of the shrink label and a PET film in pressure contact with each other at 8.5 MPa in a 40 °C atmosphere for 24 hours, within the range of 5 mN/ 50 mm to 17 N/ 50 mm.

The Examiner states that it would have been obvious for one of ordinary skill in the art to apply the aforesaid adhesive composition of Komiya to the invention taught in Ezawa, and set the peel strength, after keeping the adhesive coating film surface of the shrink label and a PET film in pressure contact with each other at 8.5 Mpa in a 40 °C atmosphere for 24 hours, within the range of 5 mN/ 50 mm to 17 N/ 50 mm.

However, as discussed above in section (1), in Ezawa is made, a vessel and a polystyrene-base foamed sheet are brought into contact with each other; there is no suggestion or motivation for providing any adhesive layer, in particular the adhesive layer of Komiya, between a vessel and a shrink label.

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Further, Komiya does not teach or suggest attaining excellent removability, blocking resistance, and PET bottle deformation prevention effects by setting the peel strength of the adhesive coating film surface and a PET film within the range mentioned above. Eckes also does not disclose such effects.

In light of the above, the aforesaid advantageous effects of the present invention cannot be expected based on the disclosures of Ezawa, Komiya, and Eckes.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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